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VERIZON
PATENT MANAGEMENT GROUP
1320 North Court House Road
9th Floor
ARLINGTON, VA 22201-2909

EXAMINER

CAMPEN, KELLY SCAGGS

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/873,001
Filing Date: June 01, 2001
Appellant(s): MOORE ET AL.

Phouphanomketh Ditthavong
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 6/1/2009 appealing from the Office action mailed 10/6/2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The amendment after final rejection filed on 12/8/2008 has been entered.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2001/0047386	DOMENIKOS ET AL.	11-2001
2002/0091572	ANDERSON ET AL.	07-2002
5,969,318	MACKENTHUN	10-1999
7,222,097	BELLOSGUARDO	05-2007

Art Unit: 3691

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 29-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Domenikos et al., U.S. Patent Application Publication No. 2001/0047386, in view of Anderson, U.S. Patent Application Publication No. 2002/0091572.

Specifically as to Claim 29, Domenikos discloses a system and method for supporting online delivery of communication services, comprising:

a web portal configured to present information relating to a plurality of prepaid services offered by different prepaid service providers (paragraphs 8, 10, 11);

a database configured to store a plurality of user profiles, each user profile specifying user account information identifying the prepaid services of a plurality of the prepaid service providers (paragraphs 26, 29, 56);

wherein the web portal is configured to receive from the user a selection of one or more of the prepaid services identified in the transmitted account information (paragraphs 26, 27).

Domenikos fails to teach the web portal is configured to transmit the account information stored in a user profile to a respective user.

Anderson teaches transmitting account information related to prepaid service accounts to the user (paragraph 29). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Domenikos to include transmitting balance and usage information to the user because it is desirable that the user be able to check the balance of any account. The balance and account checking feature is a known element, and the results of including a balance and account checking feature into the invention of Domenikos are predictable.

Specifically as to Claim 30, Domenikos teaches the web portal is configured to support offering any one of the prepaid services to any one of a plurality of users (paragraph 26).

Specifically as to Claim 31, Domenikos teaches the web portal is maintained by a system operator having a customer that is one of a plurality of users (paragraphs 8, 30).

Art Unit: 3691

Specifically as to Claim 32, Domenikos teaches another system operator has a customer that is one of the users (paragraph 11), wherein the other system operator is an online retailer or Internet Service Provider.

Domenikos fails to teach the other system operator compensating the system operator for use of the web portal.

Official Notice is taken that referral commissions are old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Domenikos to include the portal operator receiving a commission for services sold through the portal because such a commission provides a revenue stream for the portal operator.

Specifically as to Claim 33, Domenikos teaches the web portal is configured to provide users with real-time management of accounts for the prepaid services (paragraphs 10, 11).

Specifically as to Claims 34, 35, Domenikos teaches a plurality of users are each assigned a unique identifier for accessing the web portal, wherein the unique identifier is a PIN (paragraph 8).

Specifically as to Claim 36, Domenikos teaches the information relating to the prepaid services includes payment information (paragraphs 48-52).

Specifically as to Claim 37, Domenikos teaches the web portal is further configured to initiate a payment verification process for the prepaid services (paragraph 28).

Specifically as to Claim 38, Domenikos teaches wherein the plurality of prepaid services includes prepaid paging, and prepaid cellular (paragraph 24).

Specifically as to Claim 39, Domenikos fails to teach bundled-service packages.

Anderson teaches the web portal presents the prepaid services as a bundled-service package (paragraph 29). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Domenikos to include presenting the prepaid services as a prepaid bundled-service package because the web portal provides convenience for maintaining multiple accounts, and presenting them as such a package would be appropriate marketing for the package that Domenikos offers.

Specifically as to Claim 40, Domenikos teaches the transaction conducted by the user is conducted via credit card.

Official Notice is taken that credit card fraud detection systems are old and well known in the art. Credit card companies employ their own fraud detection systems, and will reject transactions that are flagged as suspicious. Furthermore, credit card transactions over the internet often require the input of special code printed on the card itself. Such methods were known at the time of Applicant's invention. It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Domenikos to

Art Unit: 3691

include the fraud detection techniques commonly associated with credit card transactions because it is always desirable to increase the security of a transaction when dealing with electronic transactions.

Specifically as to Claim 41, Domenikos teaches purchasing additional units of prepaid services (paragraph 26), and storing information about purchased telecommunications services within a database (paragraph 29), but fails to teach providing the usage information.

Anderson teaches transmitting account information related to prepaid service accounts to the user (paragraph 29). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Domenikos to include transmitting balance and usage information to the user because it is desirable that the user be able to check the balance of any account. The balance and account checking feature is a known element, and the results of including a balance and account checking feature into the invention of Domenikos are predictable.

Claims 42-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson, in view of Domenikos.

Specifically as to Claim 42, Anderson discloses a prepaid service interface system and method comprising a web portal (figure 1) configured to present information relating to a plurality of prepaid services offered by a prepaid service provider (paragraphs 29, 30), and a database (figure 2) configured to store a plurality of user profiles, each user profile specifying

Art Unit: 3691

user account information relating to the prepaid services for presentation to one of the users according to the respective user profile (paragraph 33). Anderson inherently teaches receiving a selection of one of the prepaid services input by the user because Anderson teaches the system having access to a plurality of prepaid services accounts, and a user performing an inquiry on a specific account (paragraphs 29 and 33). In order for a user to perform an inquiry on a specific account among a plurality of accounts, the user must inherently select a specific account.

Anderson fails to teach the plurality of services being offered by a plurality of service providers.

Domenikos teaches a system and method for delivery of services to a consumer from a plurality of different vendors. It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Anderson to include multiple vendors, as described by Domenikos because the claimed invention is merely a combination of old elements, and in the combination each element would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. Furthermore, Domenikos teaches the desirability of scaling a service provider's distribution channel to include many vendors (paragraphs 3, 4).

Specifically as to Claim 43, Anderson teaches the information relating to the prepaid services includes payment information (paragraph 40).

Art Unit: 3691

Specifically as to Claims 44, 47, Anderson teaches the web portal initiating payment verification, and using a PIN, wherein the use of a PIN is considered a fraud detection system (paragraph 36).

Specifically as to Claim 45, Anderson teaches the plurality of prepaid services includes telephone service (paragraph 30).

Specifically as to Claim 46, Anderson teaches the web portal presents the prepaid services as a bundled-service package (paragraph 29).

Specifically as to Claim 48, Anderson teaches the web portal provides usage information for the prepaid services and supports purchase of additional units of prepaid services (paragraphs 30, 31).

Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson, in view of Mackenthun, U.S. Patent No. 5,969,318.

Specifically as to Claim 49, Anderson discloses communicating with a plurality of databases that include a first prepaid database supporting a prepaid service, and a second prepaid database supporting a prepaid service, and presenting via a web interface, the prepaid services as bundled services (figure 3, paragraphs 29 and 30).

Anderson fails to teach the prepaid services are from different service providers.

Mackenthun discloses a method and apparatus for accessing information wherein a portal is configured to present information relating to a plurality of services offered by a plurality of service providers. It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Anderson to include the information organization a retrieval system as taught by Mackenthun because Anderson teaches using a prepaid card to select a service from plurality of services, and Mackenthun teaches a way to obtain information from multiple service providers for the purpose of creating a card which is usable for all service providers, which would be desirable because a user would not have to carry a different card for each service managed through the interface taught by Anderson.

Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson and Mackenthun, as applied above, and further in view of Bellosguardo, U.S. Patent No. 7,222,097.

Specifically as to claim 50, Anderson and Mackenthun fail to teach the service provider compensating the interface operator.

Bellosguardo discloses a method of selling prepaid card which are usable for purchasing a variety of goods and services, wherein a service provider compensates the card issuer when a customer uses the card issuer's service to complete a transaction with the service provider using the prepaid card (column 2 line 45 – column 3 line 4). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Anderson and Mackenthun to include providing commission to the operator of the prepaid

Art Unit: 3691

service interface because the issuer who issues prepaid cards for third parties would desire to derive a revenue stream from providing such a service.

(10) Response to Argument

Applicant argues that there is no teaching suggestion or motivation to combine Anderson and Mackenthun. KSR forecloses Applicant's argument that a specific teaching is required for a finding of obviousness (KSR, 127 S.Ct. at 1741, 82 USPQ2d at 1396). Examiner has asserted that there is desirability in the convenience of being able to manage multiple accounts at a single portal. Furthermore, the elements of the claimed invention were known at the time of Applicant's invention, and the results of the combination are predictable to one of ordinary skill in the art, in that the system of Anderson would be able to manage accounts from multiple service providers. Therefore, Examiner maintains that the references are combinable. Regarding Applicant's argument that Anderson and Domenikos fail to teach a database configured to store a plurality of user profiles, Applicant's arguments repeat the allegation that neither reference teaches "user account information identifying the prepaid services of a plurality of the prepaid service providers", and furthermore that the references fail to teach a database configured to store said profiles, transmitting said information to the user, and receiving a request for said information.

Regarding Applicant's argument that Anderson and Domenikos fail to teach the limitations of claim 42, Examiner notes that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The rejection of the claims is based on the combination of the teaches of two references. The references and how they are combined will be explained in general. Support for such interpretations can be found through the references, as cited in the rejections of the various claims.

Anderson teaches a prepaid service interface system for interfacing with a service provider who provides multiple services to a user (wireless, telephone, calling cards). The service provider maintains different accounts for each user, one for each service provided by the service provider because each account has a different balance. Since the service provider offers all of these services within a single interface, it is considered a bundled package offering. Domenikos provides for a single interface for interacting with a plurality of service providers offering services. Domenikos teaches methods of interacting with the plurality of service providers through the interface. Domenikos teaches methods of maintaining information about each account for each of the plurality of services offered. The resulting combination would be the system of Anderson for providing a single interface to access a plurality of services, which contains different accounts for each user, and like Domenikos, one for every service of every service provider with which the user maintains an account. As a result of the combination, where it is shown that Anderson teaches retrieving a profile of a single account, and knowing that Domenikos teaches retrieving information from multiple accounts from different providers, it can be said that the combination teaches retrieving a profile for a user, the profile specifying user account information corresponding to one or more of the prepaid services of each of the plurality of prepaid service providers, as recited in claim 42, for example.

Regarding claim 42, as cited in the rejection, Anderson teaches receiving a request from a user for information regarding a plurality of prepaid services. While Applicant alleges that Anderson relates to a single prepaid service, Examiner respectfully disagrees. Anderson discloses the system is used to acquire access to prepaid services (abstract). The services include prepaid telephone and prepaid wireless services, for example, and have different payment accounts and balances associated therewith (paragraphs 29 and 30). Anderson fails to teach only that the prepaid services are of a plurality of prepaid service providers, which is provided by Domenikos.

Regarding claim 29, Applicant argues that the combination of Domenikos and Anderson fail to teach user account information stored in a user profile, where the user account information identifies the prepaid services of a plurality of the prepaid service providers. Applicant argues that since Anderson related to only a single service provider, there is no teaching of user account information identifying the prepaid services of a plurality of the prepaid service providers transmitted to a "respective user" as claimed. Examiner respectfully disagrees. Since the rejection is based on a combination of references, one can not show non-obviousness by attacking the references individually. Domenikos teaches the framework of a system and method for purchasing services from a plurality of service providers. Domenikos does not teach transmitting account information identifying a plurality of services from a plurality of prepaid service providers. However, as disclosed, Anderson teaches transmitting information identifying a plurality of services from a single service provider. One of ordinary skill in the art would look to other prepaid card systems in order to improve the invention of Domenikos. Anderson teaches that typical prepaid systems lack a centralized access point for viewing information for multiple

Art Unit: 3691

prepaid accounts, and recognizes the benefits. This is motivation for one of ordinary skill in the art to modify Domenikos to include an interface where a user can view data related to multiple accounts. Domenikos provides that these "multiple accounts" are from a plurality of prepaid service providers. The fact that Anderson is directed to a single service provide does not preclude the combination. The reference teaches a feature which could be used to improve Domenikos in the same way the feature improves Anderson.

Similarly, the rejection of claim 42 argues that since Anderson fails to teach a plurality of services offered by a plurality of service providers, Anderson can not teach, nor can it be combined with a reference to teach a request from a user for information relating to a plurality of prepaid services offered by a plurality of prepaid service providers. Examiner respectfully disagrees. The teachings of Anderson relate to a single service provider. Domenikos teaches that it is advantageous for service providers to be able to offer their services through a centralized channel offering services from multiple service providers (paragraph 4). This motivates one of ordinary skill in the art to modify Anderson to accommodate multiple service providers. Domenikos provides a system for accommodating the sale of prepaid services from a plurality of prepaid service providers. As such, Anderson teaches viewing particulars of a single service provider, and the combination teaches viewing the particulars of multiple service providers.

Regarding claim 49, the combination of Anderson teaches presenting via a web interface a first prepaid service, and a second prepaid service. As cited, Mackenthuss makes up for the deficiencies of Anderson by teaching prepaid services from multiple service providers. Examiner considers multiple prepaid services presented together in a central access point for

Art Unit: 3691

purchasing, as taught by Anderson, disclosed as a "packaged solution" by Anderson, to be presenting the multiple services as bundled services, as claimed.

Examiner wishes to point out that the Applicant has failed to respond to the Official Notice in the Final rejection (claims 32 and 40), either in the after final remarks filed 12/8/2008 nor the Appeal brief filed 6/01/2009, as such, the common knowledge/well-known in the art statement is taken to be admitted prior art because applicant failed to traverse the examiner's assertion of official notice. To adequately traverse such a finding, an applicant must specifically point out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. A general allegation that the claims define a patentable invention without any reference to the examiner's assertion of official notice would be inadequate See 37 CFR 1.104(d)(2).

Art Unit: 3691

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Kelly Campen/

Primary Examiner, Art Unit 3691

Conferees:

Alexander Kalinowski/A. K./

Supervisory Patent Examiner, Art Unit 3691

Vincent Millin/vm/
Appeal Conference Specialist